

MARIA FAMA FLORENTIN, PLAINTIFF AND APPELLEE, VS. LAZARO GALERA, ET AL., DEFENDANTS, LAZARO GALERA, DEFENDANT AND APPELLANT.

G. R. No. L-17419. June 30, 1962

Ponente: REYES, J.B.L., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/cda9a6a9f463/>

REYES, J.B.L., J.:

Appellant Lazaro Galera appeals from an order of demolition of his house (issued by the Court of First Instance of La Union, in its Civil Case No. 471), contending that said order is null and void, having been issued to enforce a judgment rendered without jurisdiction.

The background of the case can be gleaned from the final decision on the merits rendered by the Court of First Instance of La Union (Rec. on Appeal, pp. 1-3) :

"Maria Fama-Florentin filed this complaint against Lazaro Galera to recover a piece of land of about 11,000 square meters which is a portion of land covered by Transfer Certificate of Title No. R-T 223 (257), situated at barrio Ambangonan, Municipality of Pugo, province of La Union. In his written answer the defendant claimed ownership of the land in question alleging that he and his father had been in open, continuous, and peaceful possession of the premises for more than sixty years. He further claimed that the original certificate of title of the land issued in the name of Fernando Nantes was obtained by fraud and that Apolinario Fama, the plaintiff's predecessor in interest, brought an action for reivindicacion before the last Pacific war but was dismissed by the Court of First Instance of La Union in 1934.

There is no controversy with respect to the identity of the land, subject of the present litigation. It has been established that this land is a portion of a bigger parcel which was originally registered on January 16, 1931 in the name of Fernando Nantes, pursuant to a free patent granted to him under the provisions of Section 122 of the Land Registration Act (Exhibit A). Subsequently, the land was sold to Ilosendo Farales, who, in turn, sold it to Apolinario Fama, the father of the plaintiff. The plaintiff as daughter of Apolinario Fama inherited this property covered by the aforesaid certificate of title (Exhibit B),"

After due trial, the court below rendered judgment as follows (Rec. on Appeal, pp. 6-7):

"In view of the foregoing, the Court hereby renders judgment declaring the plaintiff as the owner and being entitled to the possession of the land described in the complaint. The Court hereby orders the defendant to deliver the possession of the aforesaid land to pay the plaintiff the sum of P150.00 a year from the year 1937 until the possession thereof is delivered to the plaintiff. With costs against the defendant. So ordered."

This judgment became final. Upon motion of the plaintiff (appellee herein), opposed by defendant-appellant, the court issued, on 8 March 1960, an order requiring appellant to remove his house from the adjudicated property; otherwise, the same would be ordered demolished. Reconsideration having been denied, defendant appealed to this Court. He contends that the findings in the decision showed that the controverted land was obtained through a Free Patent granted under the Public Land Law, but had been sold to plaintiff's predecessor within five years from

the issuance of the patent; that under section 118 of the Public Land Law (C. A. 141), such sale was void ab initio; that, therefore, the court, in recognizing and enforcing the title of plaintiff-appellee, acted without jurisdiction, and its judgment was null, void, and unenforceable.

Once more, we are faced by an appellant's inability to distinguish between absence of jurisdiction and lack of cause of action. The complaint filed was one for reivindication of title to real property, and the Court of First Instance of La Union had original jurisdiction to take cognizance of it under section 44 (b) of the Judiciary Act-No defect in the summons is alleged. That plaintiff should not be entitled to recover the land because-.her right was based on a void conveyance, even if true, did not affect the court's jurisdiction, but only the plaintiff's cause of action, i.e., her right to the remedy sought. Assuming,, for the sake of argument, that plaintiff's title was really void for the reason urged in this appeal (although there is no categorical finding that the patentee had conveyed the land to plaintiff's father within 5 years from the issuance of the patent, and a previous unsuccessful reivindicatory suit is no adequate proof of that particular fact), the court's decision was, at the most, tainted by an error of law or fact that was curable by appeal, and did not constitute lack of jurisdiction. The judgment having become final, the issues that were litigated in the case can not be reopened and are no longer debatable by the parties in subsequent proceedings, whether erroneously decided or not. Interest reipublicae ut finis sit litium (Cf. Pineda vs. Court of First Instance of Davao, G. R. No. L-12602, 25 April 1961). 59 Off. Gaz., [33] 5266).

We find no merit in the appeal, and the same is dismissed, with costs against the appellant Lazaro Galera.

Padilla, Bautista Angelo, Labrador, Concepcion, Barrera, Paredes, Dizon, Regala and Makalintal, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.